



# City of New York

## OFFICE OF THE COMPTROLLER

Scott M. Stringer  
COMPTROLLER



## AUDITS & SPECIAL REPORTS

**Marjorie Landa**

Deputy Comptroller for Audit

Audit Report on the Compliance of the  
New York City Department for the Aging  
with Executive Order 120 Regarding  
Limited English Proficiency

SZ16-072A

June 03, 2016

<http://comptroller.nyc.gov>



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SCOTT M. STRINGER  
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June 3, 2016

To the Residents of the City of New York:

My office has audited the New York City Department for the Aging (DFTA) to determine whether DFTA is in compliance with Executive Order 120 (EO 120), which requires City agencies that provide direct services to the public to create a language access implementation plan to ensure meaningful language access to their services. According to the 2013 American Community Survey, over 75 percent of all New Yorkers speak a language other than English at home, and almost 46 percent of the City's population is limited in English language proficiency (LEP). For these New Yorkers, interacting with City government can be a challenge. We audit City agencies such as DFTA to help ensure that they are complying with applicable laws and regulations and that they are providing residents access to important City services.

The audit found that that DFTA generally complied with EO 120. Our review of each of DFTA's Language Access Plans from 2009 through 2016 demonstrates that DFTA has made substantial progress in its efforts to provide meaningful language access to the agency's services for LEP customers at its central office located at 2 Lafayette Street. Each annual Language Access Plan described the steps that DFTA has taken to provide additional services to the LEP population. Further, the audit found that DFTA generally provides direct services to its customers in the top six New York City LEP languages at its central office, Monday through Friday from 9:00 a.m. to 5:00 p.m. Finally, the audit found that through a City-wide contract with Language Line Services, Inc., DFTA has the ability to provide documentation translation and phone interpretation services in over 170 languages. We will discuss EO 120 compliance by senior citizen centers that are administered by DFTA in a separate audit.

The report recommends that DFTA continue to adhere to EO 120 to ensure that it adequately meets the language needs of the communities it serves. As required by EO 120, DFTA should utilize available and relevant studies and update and post all subsequent Language Access Plans on its website.

The results of the audit have been discussed with DFTA officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at [audit@comptroller.nyc.gov](mailto:audit@comptroller.nyc.gov).

Sincerely,

Scott M. Stringer

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# THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER AUDITS & SPECIAL REPORTS

## Audit Report on the Compliance of the New York City Department for the Aging with Executive Order 120 Regarding Limited English Proficiency

**SZ16-072A**

### AUDIT REPORT

#### Background

With more than four million foreign-born residents from more than 200 different countries, New York is home to one of the most diverse populations in the world. New Yorkers come from every corner of the globe and speak over 200 different languages. Over 75 percent of all New Yorkers speak a language other than English at home, and almost 46 percent, or 1.8 million people, are limited in English proficiency. For these New Yorkers, interacting with City government can often be a challenge.<sup>1</sup>

Local Law 73 was enacted in 2003 for the purpose of enhancing the ability of City residents with Limited English Proficiency (LEP) to interact with City government and more specifically to obtain needed social services. The law applies to four social service agencies: the Human Resources Administration; the Department of Homeless Services; the Administration for Children's Services; and the Department of Health and Mental Hygiene. It requires that free language assistance services be provided for clients at job centers and food stamp offices, and when they seek to obtain other services from any of those four City agencies.

In July 2008, Mayor Bloomberg signed Executive Order 120 (EO 120), which requires all City agencies to provide opportunities for limited English speakers to communicate with City agencies and receive public services. EO 120 specifically requires City agencies providing direct public services to ensure meaningful access to those services to LEP persons. To accomplish this, EO 120 requires these agencies to develop and implement agency-specific language assistance plans for LEP persons.

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<sup>1</sup> Data is from the Mayor's Office of Immigrant Affairs.

Specifically, EO 120 requires each agency to:

- Designate a Language Assistance Coordinator within 45 days of the date of EO 120 to oversee the creation and execution of an agency-specific internal language access policy and implementation plan.
- Develop such a plan by January 1, 2009, using a four-factor analysis based on guidance issued by the U.S. Department of Justice including: the number or proportion of LEP persons in the eligible service population; the frequency with which LEP individuals come in contact with the agency; the importance of the benefit, service, information, or encounter to the LEP person; and the resources available to the agency and the costs of providing various types of language services.
- Provide services in languages based on at least the top six LEP languages spoken by the population of New York City, as those languages are determined by the Department of City Planning, based on United States Census data, and as those languages are relevant to services offered by each agency. The designated top six LEP languages spoken by the population in New York City are Spanish, Chinese (Mandarin and Cantonese), Russian, Korean, Italian, and Haitian Creole.
- Ensure that the language access policy and implementation plan includes: identification and translation of essential public documents; interpretive services, including telephone interpretation for the top six languages and others as appropriate; training of frontline workers on language access policies; posting of signage in conspicuous locations about the availability of free interpretation services; establishment of an appropriate monitoring and measurement system regarding the provision of agency language services.

EO 120 references the New York City Charter requirement that the Mayor's Office of Operations (Operations) coordinate the provision of language services to the public and provide technical assistance to City agencies providing such services. The Mayor's Office of Immigrant Affairs is responsible for promoting immigrants' access to City services by developing appropriate policies and outreach programs to educate immigrant and foreign language speakers about such services.

This audit focuses on whether the New York City Department for the Aging (DFTA) complied with EO 120.<sup>2</sup> DFTA's mission is to work for the empowerment, independence, dignity and quality of life of New York City's diverse older adults and to support their families through advocacy, education, and the coordination and delivery of services. DFTA procures services through contracts with service providers and through those providers, engages in collaborative partnerships with community-based organizations for the provision of programs and services, which aim to foster independence, safety, wellness, community participation, and quality of life.

DFTA offers services to the public Monday through Friday from 9:00 a.m. to 5:00 p.m. from its office at 2 Lafayette Street in Manhattan. From this location, DFTA manages and administers its programs and refers residents to senior services. Direct services provided by DFTA at 2 Lafayette Street include Senior Employment Services, Elderly Crime Victims Resources, and Alzheimer's

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<sup>2</sup> This audit concerns the services DFTA provides directly to the public. An audit of the services provided by community-based organizations in contract with DFTA will be conducted separately.

and Caregiver Resources. We will discuss EO 120 compliance by senior citizen centers that are administered by DFTA in a separate audit.

## Objective

The objective of the audit was to determine whether DFTA is in compliance with EO 120, which requires that City agencies provide direct services to the public and create a language access implementation plan in order to ensure meaningful language access to their services.

## Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

To achieve our audit objective, we reviewed DFTA's Language Access Plan and other pertinent documents, interviewed key DFTA personnel, and conducted a site visit on March 1, 2016 at 2 Lafayette Street in Manhattan, where services are provided to the public. Please refer to the detailed scope and methodology at the end of this report for the specific procedures and tests that were conducted.

## Discussion of Audit Results

The matters covered in this report were discussed with officials from DFTA and Operations during and at the conclusion of this audit. DFTA officials were notified of our findings during the course of the audit and no exit conference was needed due to the recurring nature of these audits. On May 12, 2016, we submitted a draft report to DFTA officials with a request for written comments. We received a written response from DFTA officials on May 25, 2016. In their written response, DFTA officials agreed with the audit's findings and recommendation stating, "Per your recommendation, we will continue to adhere to EO120 [*sic*] and update our website with the latest language access plan."

The full text of DFTA's response is included as an addendum to this report.

## FINDING AND RECOMMENDATION

We found that DFTA generally complied with EO 120. Our review of each of DFTA's Language Access Plans from 2009 through 2016 demonstrates that DFTA has made substantial progress in providing meaningful language access to the agency's services for LEP customers at its central office located at 2 Lafayette Street. Each annual Language Access Plan described the steps that DFTA has taken to provide additional services to the LEP population.

At 2 Lafayette Street, Monday through Friday from 9:00 a.m. to 5:00 p.m., DFTA staff provide direct services to seniors that include referring seniors to services and providing information about available benefits including food stamp eligibility and the application process, seniors' rights under equal employment opportunity laws, and the availability of senior citizen centers in New York City.

We found that DFTA generally provides these services to its customers in the top six New York City LEP languages. Further, we found that through a City-wide contract with Language Line Services, Inc., DFTA has the ability to provide documentation translation and phone interpretation services in over 170 languages. Appendices I and II contain details of the specific items we tested and the results of our tests.

### Recommendation

DFTA should continue to adhere to EO 120 to ensure that it adequately meets the language needs of the communities it serves. As required by EO 120, DFTA should utilize available and relevant studies and update and post all subsequent Language Access Plans on its website.

## DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, § 93, of the New York City Charter.

We reviewed DFTA's Language Access Policy and Implementation Plan and other pertinent documents, interviewed key DFTA personnel, and conducted a site visit on March 1, 2016 at 2 Lafayette Street in Manhattan, where DFTA provides services to the public.

To achieve our objectives, we performed the following:

- Reviewed EO 120 and Local Law 73;
- Reviewed and analyzed DFTA's Language Access Policy and Implementation Plan;
- Created Compliance Checklists to assess DFTA's compliance with EO 120;<sup>3</sup>
- Conducted interviews with DFTA's designated Language Access Coordinator and other staff members;
- Reviewed and assessed whether DFTA's language assistance plan was developed in accordance with EO 120, using the required four-factor analysis;
- Tested whether DFTA provided public services in at least the top six LEP languages spoken by the New York City population;
- Obtained and reviewed documentation and assessed whether DFTA identified and translated essential public documents provided to or completed by the public;
- Tested whether interpretation services, including the use of telephonic interpretation services, are available;
- Obtained training materials and/or written policies and procedures;
- Visited DFTA's location on March 1, 2016, and observed whether location had signs indicating that free interpretation services were available and whether signs were displayed in conspicuous locations throughout the office;
- Assessed whether DFTA established an appropriate monitoring and measurement system regarding the provision of agency language services; and
- Assessed whether DFTA created appropriate public awareness strategies for the agency's service population.

In addition, we conducted various audit tests as noted in Appendix II.<sup>4</sup>

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<sup>3</sup> See Appendix I for the completed check list created in connection with this audit.

<sup>4</sup> See Appendix II for further descriptions of the tests we conducted.



## LEP COMPLIANCE CHECKLIST

Question	Auditor's Assessment	Auditor's Comments
1. Does DFTA provide direct public services?	Yes	DFTA provides direct public services citywide.
2. Does DFTA have a Language Access Policy and Implementation Plan, and when was it instituted?	Yes	DFTA had a Language Access Plan dated July 2009. DFTA's current plan is dated September 2015 for April 1, 2016, through May 2017 and is currently posted on DFTA's website.
3. Does DFTA have a Language Access Coordinator?	Yes	DFTA's Program Director is the designated Language Access Coordinator.
4. Did the Language Access Coordinator oversee the creation of the Language Access Policy and Implementation Plan?	Yes	The Language Access Plan was created under DFTA's current Language Access Coordinator.
5. Did the Language Access Coordinator oversee the execution of the Language Access Policy and Implementation Plan?	Yes	DFTA's language coordinator oversees the execution of the Language Access Plan.
6. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	DFTA's Language coordinator monitors the progress of the Language Access Plan.
7. Did DFTA develop the plan using the four-factor analysis?	Yes	DFTA's updated Language Access Plan, dated September 2015, was developed using the four-factor analysis.
8. Does DFTA provide services in languages based on at least the top six NYC LEP languages?	Yes	Pursuant to DFTA's Language Access Plan, DFTA provides services in the top six NYC LEP languages. In addition, pursuant to a DCAS citywide contract with Language Line Services, Inc., DFTA has the ability to provide documentation translation and phone interpretation services in over 170 languages.
9. Does DFTA identify and translate their "essential public documents?"	Yes	DFTA's Language Access Plan identifies its essential documents for translation into the top six LEP languages. Translated documents are available on DFTA's website.

**LEP COMPLIANCE CHECKLIST**

<p>10. Does DFTA provide interpretation services (including telephonic interpretation) for the top six LEP languages and others as appropriate?</p>	<p>Yes</p>	<p>Pursuant to the citywide contract with the Language Line Services, Inc., DFTA is able to provide interpretation services in over 170 languages, including the top six LEP Languages.</p>
<p>11. Does DFTA train its frontline workers and managers on language access policies and procedures?</p>	<p>Yes</p>	<p>During the site testing, the DFTA employees interviewed were familiar with the Language Line policy and the procedures to be followed when conducting interpretation and translation services.</p>
<p>12. Are there any signs or postings in DFTA regarding free available language assistance?</p>	<p>Yes</p>	<p>During site testing, we observed “Free Interpretation Services Available” signs posted in the agency’s public/common areas and office areas.</p>
<p>13. Did DFTA establish an appropriate monitoring and measurement system regarding the provision of agency language services?</p>	<p>Yes</p>	<p>DFTA monitors the provision of agency language services by reviewing invoices from the vendors that provide translation and interpretation services. We reviewed the invoices and verified that the bills identify each call, the duration, the language translated, and the cost of each call.</p>
<p>14. Did DFTA create public awareness strategies for language services?</p>	<p>Yes</p>	<p>DFTA provides notification to the public of available services via signs at the public service center and DFTA’s website. The documents available include awareness strategies in the top six LEP languages.</p>

LEP TESTS CONDUCTED

Test	Criteria For Evaluation	Auditors' Assessment
1. Anonymous phone calls.	<ul style="list-style-type: none"> <li>Was a staff person able to respond to the call in the language of need, or else able to transfer the call to another staff person or a telephonic Interpreter service?</li> </ul>	Yes. DFTA's main public access line, which is 311, is able to provide telephonic interpreter services in the top six LEP languages.
2. Is the website accessible in languages other than English?	<ul style="list-style-type: none"> <li>Public information was available in languages other than English.</li> </ul>	Of the 56 languages listed on DFTA's website, we sampled and successfully translated the top six languages spoken in New York City.
3. Make site visit to DFTA's location, meet with front line workers and evaluate in-person procedures for language accommodation.	<ul style="list-style-type: none"> <li>Frontline workers were able to provide language assistance services either directly or through a tool/procedure such as "I Speak" cards and placing a call to an interpreter to provide language assistance.</li> <li>Signage was posted notifying customers of their right to free language services.</li> </ul>	<p>DFTA's frontline workers were familiar with the procedures for using the language assistance lines.</p> <p>There was signage posted notifying customers of their right to free language interpretation services.</p>
4. Translate "You Have a Right to Free Interpretation" posters.	<ul style="list-style-type: none"> <li>Did the poster state that free translation and interpretation services were available?</li> </ul>	Each of the languages on the poster was translated and accurately reflect that free translation and interpretation services were available.



Donna M. Corrado, PhD  
Commissioner

May 25, 2016

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New York, NY 10007-2341

Re: Comptroller's Audit on the Compliance of New York City Department for the Aging with Executive Order 120 Regarding Limited English Proficiency (SZ16-072A)

Dear Deputy Comptroller Landa:

Thank you for the opportunity to respond to your May 12, 2016 draft report of the Department for the Aging's (DFTA's) compliance with Executive Order 120 (EO120) Regarding Limited English Proficiency. We are very pleased with the positive findings of the audit.

Per your recommendation, we will continue to adhere to EO120 and update our website with the latest language access plan.

If you have any questions about our reply, please contact John Jones at (212) 602-4495 or by e-mail at [jjones@aging.nyc.gov](mailto:jjones@aging.nyc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Corrado". The signature is fluid and cursive, written over a horizontal line.

Donna M. Corrado  
Commissioner

cc: Gail Evans, DFTA  
John Jones, DFTA  
Caryn Resnick, DFTA  
Joy Wang, DFTA  
Fran Winter, DFTA  
Mindy Tarlow, Director, Mayor's Office of Operations  
George Davis, Mayor's Office of Operations